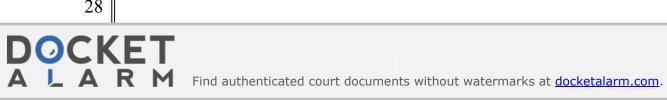
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17	ALPHATEC HOLDINGS, INC. AND ALPHATEC SPINE, INC.		
18	UNITED STATES DISTRICT COURT		
19	SOUTHERN DISTRICT OF CALIFORNIA – SAN DIEGO DIVISION		
20	NUVASIVE, INC., a Delaware corporation,) Case No. 18-CV-00347-CAB-MDD	
21	Plaintiff,	JOINT STIPULATION CONTINUING HEARING ON NUVASIVE'S MOTION TO STRIKE INVALIDITY CONTENTIONS	
22	V.		
23	ALPHATEC HOLDINGS, INC., a		
24	Delaware corporation, and ALPHATEC SPINE, INC., a California corporation,		
25	Defendants.	Judge: Hon. Cathy Ann Bencivengo	
26		_)	
27			
28			



follows:

Motion to Strike Alphatec's Invalidity Contentions ("Motion") (Doc. No. 296) to January 22, 2021.

NuVasive filed its Motion on November 25, 2020. Pursuant to Section II.A of this Court's chambers rules, the noticed hearing date on NuVasive's Motion is currently set for December 30, 2020, or thirty-five days from filing. Per the local rules, the parties' briefing schedule follows from the noticed motion hearing date as

• Alphatec's opposition is currently due on December 16, 2020; and

Plaintiff NuVasive, Inc. ("NuVasive") and defendants Alphatec Spine, Inc.

and Alphatec Holdings, Inc. (collectively, "Alphatec"), by and through their

respective counsel, jointly request that the Court continue the hearing on NuVasive's

• NuVasive's reply is currently due on December 23, 2020.

Because Alphatec's opposition is due just two days before its rebuttal expert report deadline of December 18, 2020 (*see* Doc. No. 293 at 2), and because the parties desire to avoid briefing a motion immediately surrounding another deadline and the late-December holiday schedule, the parties ask that the Court continue the December 30, 2020 hearing date on NuVasive's Motion to January 22, 2021 in order to extend the briefing schedule. Under the local rules, therefore, the parties' new briefing schedule would be as follows:

- Alphatec's opposition would be due on January 8, 2021; and
- NuVasive's reply would be due on January 15, 2021.

This briefing schedule will not impact any other dates on the case schedule. The parties have not requested oral argument at this time. To the extent that the Court orders oral argument, the parties request that it take place on, but not later than, January 22, 2021, if this Court's schedule allows.

Accordingly, good cause exists to continue the hearing on NuVasive's Motion to January 22, 2021.

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SIGNATURE ATTESTATION I, Brian Nisbet, hereby attest that I obtained the concurrence of Paul D. Tripodi II in filing this document. I declare under penalty of the laws of the United States that the foregoing is true and correct. Executed this 30th day of November 2020 at Chicago, Illinois. Dated: November 30, 2020 WINSTON & STRAWN LLP By: /s/ Brian J. Nisbet BRIAN J. NISBET



CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was filed with the Court's CM/ECF system which will provide notice on all counsel deemed to have consented to electronic service. All other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing document by mail on this day.

Dated: November 30, 2020 WINSTON & STRAWN LLP

By: <u>/s/ Brian J. Nisbet</u> BRIAN J. NISBET

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